UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|---|---|---|
| CURTIS RAY, | ) | |
| | ) | |
| Petitioner, | ) | |
| | ) | |
| vs. | ) | Case No. 4:11CV00119 SNLJ |
| | ) | |
| MICHAEL S. BOWERSOX, | ) | |
| | ) | |
| Respondent. | ) | |

**MEMORANDUM AND ORDER**

This matter is before me on the petition for writ of habeas corpus filed by Petitioner

Curtis Ray. I referred this matter to United States Magistrate Judge Frederick R. Buckles,

for a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b). On

November 15, 2013, Judge Buckles filed his recommendation that Ray's habeas petition should

be dismissed.

No objections to Judge Buckle's Report and Recommendation were filed. After careful

consideration, I will adopt and sustain the thorough reasoning of Judge Buckles and deny Ray's

habeas petition for the reasons stated in the Report and Recommendation dated November 15,

2013. I have also considered whether to issue a certificate of appealability. To grant a certificate

of appealability, the Court must find a substantial showing of the denial of a federal

constitutional right. *See Tiedeman v. Benson*, 122 F.3d 518, 522 (8th Cir. 1997). A substantial

showing is a showing that issues are debatable among reasonable jurists, a Court could resolve

the issues differently, or the issues deserve further proceedings. *Cox v. Norris*, 133 F.3d 565, 569

(8th Cir. 1997) (citing *Flieger v. Delo*, 16 F.3d 878, 882-83 (8th Cir. 1994). Because Simmons

has not made such a showing in this case, I will not issue a certificate of appealability.

Accordingly,

**IT IS HEREBY ORDERED** that Judge Buckle's Report and Recommendation, #9, filed on November 15, 2013 is adopted and sustained in its entirety.

**IT IS FURTHER ORDERED** that Petitioner Curtis Ray's Petition for Writ of Habeas Corpus, #1, is **DENIED**.

**IT IS FURTHER ORDERED** that the Court will not issue a certificate of appealability. A separate Judgment in accordance with this Memorandum and Order is entered this same date.

Dated this 15th day of January, 2014.

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STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE